

Planning & Zoning Commission

November 16, 2017

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on November 16, 2017. In attendance were Chairman Boyan, Commissioner Scholl, Commission Members Catellier, and Morgan, Code Enforcement Officer Bounds and Community Development Coordinator Hardin. Absent: Commission Member Wilson. Guests: Chris Brown and Chad Eyler.

Call to Order

Chairman Boyan called the meeting to order. The Commission performed the Pledge of Allegiance. He asked anyone who would be addressing the Commission to sign in at the podium and that anyone with a cell phone to either turn it off or put it in silent mode.

Approval of Minutes

Commission Member Catellier made a motion to approve the October, 2017 minutes as circulated. Commissioner Scholl seconded the motion which passed with 3 ayes, 1 absent and Commission Member Morgan abstaining due to her absence last month.

New Business

Velda Dennett- Apply graphics on windows and doors- 31010 Thornton Blvd., Delmar, DE

Mr. Chad Eyler was present for Ms. Dennett. When asked he stated that he had no information on the sign that would be hanging on the building of the business. The name of the business is Auto Equity Loans. The Commission stated that with the building sign and the 2 graphic signs he is asking for this evening that would be 3 and the regulations do not allow that many signs. On the doors he is only allowed to have the hours of the business but not the name of the business.

Community Development Coordinator Hardin said that the building is freestanding and is facing both Thornton Blvd. and Rt. 13. He is allowed to have a building sign on both sides of the building and a free-standing sign, but not signs on the doors.

By removing Auto Equity Loans from the wording on the doors, the graphics would be allowed. The Commission told Mr. Eyler that he can return with different graphics if that is what the company wants to do.

For now, Mr. Eyler is withdrawing his request so he can inquire what direction the company wants to go.

Yorkshire Estates- Chris Brown new home builds

Before any specific conversation took place in regards to approvals Commission Member Catellier asked if the agenda list could be reversed. Commission Member Morgan stated that she would not be participating in the discussions since she is purchasing a house in this development.

Chris Brown- Ryan Homes- New Home Build – Lot 113, 36432 Carriage Walk Lane, Yorkshire Estates, Delmar, DE- Home Style 1918, Elevation A

Chairman Boyan started the discussion by bringing up the fact that tonight Ryan Homes is presenting the same home style with the same elevation for 3 adjacent lots.

Commission Member Catellier noted that in September at the Planning and Zoning Commission meeting Mr. Marshall was present and he was made aware that it is an aesthetics issue with the Planning and Zoning Commission that there not be the same style home with the same elevation next door to each other. An excuse was used that it was a clerical error with the sales staff. Commission Member Catellier noted that in October at the Planning and Zoning Commission meeting, Ryan Homes again proposed 2 houses of the same style next to each other, which the Commission objected to but allowed in order to not put undue hardship on the buyers. Now this month there is proposed 2 of the same style house next to each other and next to one that was approved last month.

Last month it was requested that the home owners of Lot 92 and 93 be notified that they had chosen the same style home with the same elevation as their neighbor. We were given those signed notification letters this evening and they were presented to the Mayor and Council at their meeting. In the letter that was prepared by Ryan Homes for the buyers to sign, it states that the policy of Ryan Homes prohibits the same floor plan, exterior elevation and color scheme on adjacent lots. Ms. Chris Brown said that the elevations were reversed and has different siding. It was brought to her attention that all the proposed homes presented this evening had the identical lay-out; nothing was reversed.

Commission Member Catellier asked the Community Development Coordinator if it is something within the realm of the Planning and Zoning authority to not approve these home builds based on aesthetics. Ms. Chris Brown said that this is something that she thought would be cleared up with the signed letters. She has signed letters to provide the Commission with this evening for the houses on the agenda.

Chairman Boyan said that Ryan Homes has put the Delmar Planning and Zoning Commission in a bad position. Commission Member Catellier said that he is disappointed with Ryan Homes. In their own letter it states that it is against their policy and the Town is not happy. He doesn't understand why it is still happening. This makes 3 times in a row.

Ms. Chris Brown said that the sales team is making everyone aware of the issue. Commission Member Catellier stated that the issue is not whether the neighbors are notified, it is the idea of preventing "cookie cutter" developments where several adjacent homes are of the same style. The Ryan Homes sales team is not restricting the styles of homes adjacent to those that have already been sold to the neighboring lots. There should be some sort of buffer between the home styles. Mrs. Chris Brown said that she just submits the building permits and P&Z applications, she does not have any input in which styles are sold by the sales team.

Community Development Coordinator Hardin said that procedurally, the Commission can make favorable or unfavorable recommendations or they may choose to table any

discussion on any issue. The Delmar, DE Mayor and Council has the final approval authority. Tabling a discussion will stop it from moving forward. An unfavorable recommendation will still move the agenda item to the Delmar, DE Mayor and Council.

Commission Scholl said that he cringes with the thought that the Planning and Zoning Commission is taking options away from buyers in any development. Buyers may like the same style house as their neighbors.

Commission Member Catellier asked Mrs. Chris Brown whether she had contacted the buyer of Lot 114 to inform them that their neighbors would be building the same style home. Mrs. Brown stated that she had not. She also stated that she could get any of the buyers to sign a letter of approval. She stated that would not be a problem for her and she could get the letter signed tomorrow. Commission Member Catellier stated that Mrs. Brown may not be able to make that promise noting that Commission Member Morgan is the buyer of Lot 114. Mrs. Brown said that she feels like she was set up and became emotional. Commission Member Catellier stated that it was not his intention to set her up, was apologetic, but was shocked that Mrs. Brown would say that she could get a letter of agreement from anyone.

Commission Member Catellier said that the submission of the letters that Ryan Homes is having the new buyers sign is avoiding the actual issue of creating “cookie cutter” developments.

Chairman Boyan decided to proceed with the Ryan Homes applications in the order stated in the agenda.

Chris Brown- Ryan Homes- New Home Build- Lot 110, Buckingham Drive, Yorkshire Estates, Delmar, DE, Home Style 1918, Elevation B

Upon review of the plans, Commissioner Scholl made a motion for favorable recommendation to the Delmar Mayor and Council for the new home build on Lot 110, Buckingham Drive, Yorkshire Estates, Delmar, DE, Home Style 1918, Elevation B, as per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes, 1 absent and Commission Member Morgan abstaining due to her purchasing a lot in Yorkshire Estates.

Chris Brown- Ryan Homes- New Home Build- Lot 111, 36426 Carriage Walk Lane, Yorkshire Estates, Delmar, DE, Home Style 1680, Elevation A

Upon review of the plans, Commissioner Scholl made a motion for favorable recommendation to the Delmar Mayor and Council for the new home build on Lot 111, 36426 Carriage Walk Lane, Yorkshire Estates, Delmar, DE, Home Style 1680, Elevation A, as per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes, 1 absent and Commission Member Morgan abstaining due to her purchasing a lot in Yorkshire Estates.

Chris Brown- Ryan Homes- New Home Build- Lot 112, 36428 Carriage Walk Lane, Yorkshire Estates, Delmar, DE, Home Style 1918, Elevation A

Upon review of the plans, Commissioner Scholl made a motion for favorable recommendation to the Delmar Mayor and Council for the new home build on Lot 112,

36428 Carriage Walk Lane, Yorkshire Estates, Delmar, DE, Home Style 1918, Elevation A, as per the attached drawings. Commission Member Catellier seconded the motion which passed with 2 ayes, 1 absent, Commission Member Morgan abstaining due to her purchasing a lot in Yorkshire Estates and 1 nay vote coming from Chairman Boyan.

Chris Brown- Ryan Homes- New Home Build- Lot 113, 36432 Carriage Walk Lane, Yorkshire Estates, Delmar, DE, Home Style 1918, Elevation A

Upon review of the plans, Commission Member Catellier said that he would not be voting in favor because Ryan Homes did not take into consideration anything that has been discussed at earlier meetings. Chairman Boyan talked about tabling this discussion since the issues keep reoccurring. Commissioner Scholl said that he doesn't want to take away the options of the buyers, but he would like to hear from the prospective buyers.

Commission Member Catellier said that he does not want a "cookie cutter" development. The electronically signed letters received by the Commission from the adjacent homebuyers also indicates that Ryan Homes knows that it should not be creating "cookie cutter" developments as well. Commission Member Catellier noted that if this issue were to be tabled, then the same discussion would occur in the same manner. He suggested to vote on it now and give the Delmar, DE Mayor and Council the final vote.

He also suggested to Mrs. Chris Brown that someone from Ryan Homes besides herself should be at the Delmar, DE Mayor and Council meeting. Someone should be present to offer a discussion on why they are offering the same style and elevation homes on adjacent lots.

Commissioner Scholl made a motion for an unfavorable recommendation to the Mayor and Council for the new home build on Lot 113, 36432 Carriage Walk Lane, Yorkshire Estates, Delmar, DE, Home style 1918, Elevation A, as per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes, 1 absent and Commission Member Morgan abstaining due to her purchasing a lot in Yorkshire Estates.

Public Comments

Code Enforcement Officer Bounds said that Ryan Homes only has a handful of styles to offer and only one of them is a one-story house. This seems to be the style that everyone wants. There was never any prior discussion about the style of homes that could be in adjacent lots. Commission Member Catellier said that if that is the argument, then the number of different styles needs to be increased, even if the most popular floor plan is modified in the elevation and then named something else. What Ryan Homes is doing is by definition creating a "cookie cutter" development. He said that he defended PCS Homes in Wood Creek because they did remove from the table any repeating home styles that were adjacent to one another. They made it a point to keep a separation of the models.

Code Enforcement Officer Bounds said that by limiting the options the buyers have for the outside of any of the Ryan Homes offered on Yorkshire, they are able to offer the model cheaper. He said that he doesn't think that Ryan Homes is doing anything different than what they do in other developments.

Community Development Coordinator Hardin said that maybe the Mayor and Council in giving their approval or disapproval will actually state their position so the Commission will have some direction. CEO Bounds said that someone from the Town needs to meet with someone from Ryan Homes other than Mrs. Chris Brown. He suggested that Mayor Houlihan call a meeting of everyone to have a discussion on what the Town wants to see.

Chairman Boyan said that the first time Ryan Homes appeared before the Commission, Mr. Alex Moore was the first one who brought up the discussion on not having the same style home on adjacent lots. Chairman Boyan said that the Commission was in favor of that thought since they didn't want to see identical homes next to each other. Commissioner Scholl said that Ryan Homes is a big company and they should be offering more than 4 or 5 models. Commission Member Morgan said that this branch of Ryan Homes styles are called "Simply Ryan", since there are no options featured. They do offer financing so from start to finish, it is all Ryan Homes.

Adjournment

Commissioner Scholl made a motion for adjournment which was seconded by Commission Member Catellier. The motion passed with 4 ayes and 1 absent.

Respectfully submitted,

Cindy Fisher
Clerk of Council